

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARVIN A. JOHNSON,
Petitioner,

v.

MICHAEL C. BARONE,
Respondent.

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CIVIL ACTION

No. 10-849

ORDER

AND NOW, this 29th day of April, 2011, upon consideration of the petitioner for writ of habeas corpus, the Report and Recommendation and the Supplemental Report and Recommendation of the Honorable Thomas J. Rueter, Chief United States Magistrate Judge, petitioner's objections to the Supplemental Report and Recommendation, and all other relevant papers in the record, for the reasons set forth in the accompanying memorandum, it is **ORDERED** that:

1. Petitioner's objections (paper no. 19) are **OVERRULED**.
2. The Report and Recommendation (paper no. 10) and the Supplemental Report and Recommendation (paper no. 18) are **APPROVED** and **ADOPTED**.
3. The petition for a writ of habeas corpus (paper no. 1) is **DENIED**.
4. Because petitioner has failed to make a substantial showing of the denial of a constitutional right, there is no basis for issuing a certificate of appealability.

/s/ Norma L. Shapiro

J.